IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

WP(C).No. 34687 of 2007(D)

PETITIONER:

IGNATIOUS MUNRO
MARY SADANAM,POTTAYIL, POOVAR P.O.,
THIRUVANANTHAPURAM DIST.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.V.VARGHESE

RESPONDENTS:

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1. THE ADDL.DISTRICT MAGISTRATE
THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER
KERALA STATE ELECTRICITY BOARD
T.C.SUB DIVISION, GIS BUILDING
(NEAR LA.COMPLEX) VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM DIST.

3. KESAVAN NAIR, CHITHIRA
YUVADHARA GARDENS, KURAVANKONAM P.O.
THIRUVANANTHAPURAM

4. MUHAMMED ABDUL KHADER
PUTHEN KALLARACKAL, POOVAR P.O.
THIRUVANANTHAPURAM.

5. SHAJAHAN, THANKACHERUVA
POOVAR.

6. MOHAN KUMAR, SOWPARNIKA
MANNADI, SOUTH ARUMANOOR
POOVAR P.O.

7. SYED MOHAMMED, MAHEEN HOUSE
MADATHUVILAKOM PAKARCHA OURAYIDOM
POOVAR.

8. SARANGADHARAN NAIR
MANNAMVILAKATHU PUTHEN BUNGLOW
ARUMANOOR.

9. DASTHAGEER, FATHIMA MANZIL
POOVAR.

10. JAMALATHU BEEVI, HARSHAD MANZIL
KAMALESWARAM, CHETTIVILAKOM,
THIRUPPURAM.

11. ARJUNAN, PERUMANKAVU
ARUMANOOR.

12. CHANDRALEKHA, VATTAVILA KADAYARA
PUTHEN VEEDU, BLOCK OFFICE ROAD
PARASSALA.

13. B.SREEKUMAR, VATTAVILA KADAYARA
PUTHEN VEEDU, BLOCK OFFICE ROAD PARASSALA.

14. SATHEESAN, VASUDEVAVILASOM,
ARUMANOOR, POOVAR.

15. H.M.MUSTHAFA, N.K. HOUSE
THETTIKADU, POOVAR.

16. PATHUMMAKANNU,
TC 40/4874, KAMALESWARAM,
THIRUVANANTHAPURAM.

R1 BY SR.G.P. SRI.BENJAMIN PAUL
R2 BY ADV. SRI.P.P.THAJUDEEN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ALONG WITH W.P.C. NO.34544/2007 ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF SKETCH OF THE PROPERTIES THROUGH WHICH THE PROPOSED ELECTRIC LINE TO THE EXTENT IT COVERES THE PROEPRTY OF THE PETITIONER AND THE NEIGHBOURING PROPERTIES.

P2: TRUE COPY OF OBJECTION DT.18.4.2007 FILED BY PETITIONER BEFORE THE DISTRICT COLLECTOR, TRIVANDRUM.

P3: TRUE COPY OF PETITION FILED BY R2 BEFORE R1.

P4: TRUE COPY OF THE SKETCH DRAWN BY R2.

P5: TRUE COPY OF COUNTER AFFIDAVIT FILED BY PETITIONER BEFORE R1.

P6: TRUE COPY OF ORDER DT.26.9.2007 OF R1.

P7: TRUE COPY OF SKETCH OF THE ROUTE APPROVED BY R1.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) Nos.34687 &34544 of 2007

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Dated this the 30th day of November, 2007.

JUDGMENT

The petitioners are objecting the drawal of line over their property after ignoring their suggestion to draw the line over puramboke land. Standing Counsel for KSEB submitted that line is 33 KV feeder line to Poovar Substation and except for nearly 1.5 kilometres construction of the line is completed for the rest of the length. The completion of construction of the line should not be held up on account of objection of one or two land owners. At the same time, a permanent line of this type should be drawn causing least inconvenience to the least number of land owners. Of course some land owner or the other has to take the inconvenience. This court has taken the consistent view that relative hardship to the land owners should be considered and the District Magistrate should approve drawal of the line over the route which causes least inconvenience to least number of land owners. In this case even though the Additional District Magistrate has taken some decision, petitioners contend that the ADM himself is a controversial man and he is under suspension. In the circumstances, I do not think his decision can be safely acted upon. However, since field

inspection is required to ascertain the relative hardship of the land owners and to identify the route over which line can be drawn with minimum hardship to the land owners, I dispose of the W.Ps. with direction to the District Collector, Trivandrum to personally decide the matter by himself after conducting a local inspection and after taking into account the relative hardship of the land owners and after consulting KSEB officials on technical matters. The District Collector is directed to take up the matter on a priority basis and pass final orders within a period of three weeks from now. The Board through their field officials should co-ordinate with the District Collector and the land owners so that time is not lost for serving notices, for hearing, for inspection etc. Petitioners will produce copy of this judgment before the District Collector, Trivandrum immediately on receipt of the same for follow-up action.

Issue copy today itself.

C.N.RAMACHANDRAN NAIR
Judge

pms